

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-6901**

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ROBERT LORENZO COFFEY,

Petitioner - Appellant,

versus

RAYMOND SMITH,

Respondent - Appellee.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Chief District Judge. (CA-01-677)

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Submitted: September 24, 2002

Decided: October 10, 2002

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Before WILKINS and LUTTIG, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Robert Lorenzo Coffey, Appellant Pro Se. Clarence Joe DelForge, III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Robert Lorenzo Coffey seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000). We have reviewed the record and the district court's opinion and conclude on the reasoning of the district court that Coffey has not made a substantial showing of the denial of a constitutional right. See Coffey v. Smith, No. CA-01-677 (W.D.N.C. May 16, 2002). Although Coffey contends that his motion to voluntarily dismiss, filed on February 24, 2000, is still pending before the state court, the issue raised in that motion was fully considered and disposed of by the court in its order denying the motion to vacate on June 27, 2000. Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED